

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
:  
JESUS SANTIAGO, :  
:  
Plaintiff, : 12-CV-02137 (KAM)  
:  
v. :  
:  
CUOMO, et al., : 225 Cadman Plaza East  
:  
Defendants. : Brooklyn, New York  
:  
-----X  
December 18, 2019

TRANSCRIPT OF CIVIL CAUSE FOR MOTION HEARING  
BEFORE THE HONORABLE STEVEN TISCIONE  
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Plaintiff: ROBERT GREENBERG, ESQ.  
Robert L. Greenberg, Esq.  
43 West 43rd Street  
New York, New York 10036

For the Defendants: MICHAEL J. KEANE, ESQ.  
Office of the Attorney General  
of the State of New York  
120 Broadway  
New York, New York 10271

Court Transcriber: SHARI RIEMER, CET-805  
TypeWrite Word Processing Service  
211 North Milton Road  
Saratoga Springs, New York 12866

Proceedings recorded by electronic sound recording, transcript  
produced by transcription service.

1 (Proceedings began at 11:50 a.m.)

2 THE CLERK: Civil Cause for Motion Hearing, 12-CV-  
3 2137, Santiago v. Cuomo, et al.

4 Please state your appearances for the record.

5 MR. SANTIAGO: Jesus Santiago. What would you like  
6 to know, Your Honor?

7 THE COURT: I'm sorry.

8 MR. SANTIAGO: I said what would you like to know at  
9 this point.

10 THE COURT: Let me just get appearances from  
11 everyone and then we can discuss the issues.

12 MR. SANTIAGO: Okay.

13 THE COURT: Go ahead.

14 MR. SANTIAGO: He has nothing to do with this.

15 MR. GREENBERG: Why is he here?

16 MR. SANTIAGO: None of your business. You're not a  
17 judge.

18 THE COURT: Counsel, please state your appearance  
19 for the record.

20 MR. GREENBERG: Robert Greenberg, Robert L.  
21 Greenberg, P.C, 43 West 43rd Street, New York, New York. Good  
22 morning, Your Honor.

23 THE COURT: Good morning.

24 MR. KEANE: Michael Keane, K-E-A-N-E from the Office  
25 of the Attorney General for the defendants.

1           THE COURT: Mr. Santiago, the gentleman sitting next  
2 to you at counsel table, is he your attorney?

3           MR. SANTIAGO: He's my personal security. There  
4 have been a couple of attempts on my life so I feel like I  
5 need personal security and I have quite much more than just  
6 him. So there's been quite a few things, a few courtesy  
7 calls. My house being filmed. Had to move halfway across the  
8 country. A lot of things going on. So I feel like I need  
9 safety with me. The foolishness that they're talking about,  
10 somebody threatening and all that other stuff, no. That's not  
11 the game. We're not going to play that. I'm looking to go in  
12 his pockets. I'm not looking to go do anything physical to  
13 him. I want his money. Not nothing physical with him.

14           So as far as all that is concerned I don't know what  
15 he's talking about. I seen the paperwork.

16           THE COURT: Look, at this point counsel has asking  
17 to withdraw regardless of whatever intent or not intents there  
18 might be. It's clear from the conversations that there's been  
19 a breakdown in the attorney-client relationship.

20           MR. SANTIAGO: Oh, yeah. He's out of here. He's  
21 fired. That's fine.

22           THE COURT: So at this point I think the best thing  
23 to do is to grant the motion to withdraw. Give you some time  
24 to find a new attorney that perhaps you have a better  
25 relationship with so that we can move forward.

1           MR. SANTIAGO: Let me explain something to you what  
2 happened. I want this stuff on record because I feel like  
3 I've been silenced. I've been treated like a number on a  
4 paper. I haven't been treated like an individual. I have not  
5 been treated like a human being. Even when I went to his  
6 office -- I went in his office. They turned all the AC on.  
7 They did all these extra stuff. They start talking in  
8 repetitious trying to make it seem -- they treat me as if I'm  
9 the criminal if I'm the person on the stand.

10           Not only that, I've not seen any paperwork of how  
11 many days I actually was incarcerated. They claiming that  
12 somebody lost my paperwork. I have not seen any paperwork  
13 with an actual amount of days, the number of days or how many  
14 days I spent in the penitentiary. I've given them ways of  
15 getting this information. I've gotten none of it. He's  
16 giving me a bunch of excuses. He has not provided anything.  
17 Anything that I looked in email is very limited information.  
18 I have nobody defending me.

19           The Court actually -- the Bar Association actually  
20 gave me Gabriel Estedea [Ph.]. Gabriel Estedea decided that  
21 he wanted to have a mid-life crisis and leave and run off to  
22 Florida and leave my cases dormant. He passed it off to his  
23 little buddy over here, gave my cases to him.

24           MR. GREENBERG: Judge, I don't need to be --

25           MR. SANTIAGO: He gave up my case --

1 MR. GREENBERG: This is --

2 MR. SANTIAGO: No, this is the truth. This is not  
3 the truth? This is not the truth?

4 MR. GREENBERG: This is not the truth.

5 MR. SANTIAGO: This is not the truth.

6 MR. GREENBERG: Correct.

7 MR. SANTIAGO: So you didn't pick my case up.  
8 Gabriel didn't give you my case?

9 MR. GREENBERG: You --

10 MR. SANTIAGO: Gabriel didn't you give my case?

11 MR. GREENBERG: Stop. Stop.

12 MR. SANTIAGO: What do you mean stop?

13 MR. GREENBERG: Stop. Behave --

14 MR. SANTIAGO: Don't tell me stop. Don't tell me  
15 behave myself. I'm not your child.

16 THE COURT: Calm down.

17 MR. SANTIAGO: You imbecile.

18 THE COURT: Calm down.

19 MR. SANTIAGO: Don't do that, man. Don't do that.  
20 Don't do it.

21 MR. GREENBERG: I'm not doing anything.

22 MR. SANTIAGO: Don't do that.

23 MR. GREENBERG: I'm not doing anything. I don't  
24 need to sit here and be insulted.

25 MR. SANTIAGO: I'm telling exactly what happened.

1 So if he wants to hear my story I could say whatever I want.  
2 So what? That's what's wrong with you. You're arrogant. You  
3 think because your pockets is lined that you can talk to  
4 anybody any type of way because I don't come from where you  
5 come from. You're not going to talk to me any type of way.  
6 I'm a strong black man and you not going to talk to me any  
7 type of way. You or you, you're not going to treat me any  
8 type of way. I had enough of you all. I've been abused by  
9 the police station. I got my teeth knocked out. I've been  
10 dragged through the street. I'm falsely in prison and they  
11 sit there like it's no big deal. It's no big deal. Nobody  
12 cares. It's just Santiago.

13 And then he got the nerve to come in here and  
14 [inaudible] his face up and talking about don't do that.  
15 Everything I'm saying is legit. Everything I'm saying is  
16 accurate. Prove that what I'm saying is not accurate.

17 THE COURT: Okay.

18 MR. SANTIAGO: Don't talk mumble jumble law stuff.  
19 Prove what I'm saying is not accurate. Show it.

20 THE COURT: Mr. Santiago, I don't think this is  
21 productive because at the end of the day the only thing that's  
22 really at issue here is how we're going to --

23 MR. SANTIAGO: You're trying to silence me. I'm  
24 tired of being silenced.

25 THE COURT: Okay.

1           MR. SANTIAGO: I want to tell my story. Gabriel  
2 Estedea gave my case over to him without even my knowledge. I  
3 still in the penitentiary. He picked up my case and I found  
4 out about him after the fact. If you don't believe me, did  
5 you forget I sent the letter to Judge Matsumoto? Did you  
6 forget that?

7           MR. GREENBERG: No.

8           MR. SANTIAGO: Did you forget that?

9           MR. GREENBERG: I did not get forget that.

10          MR. SANTIAGO: Judge, he got -- here's the letter --  
11 this is Judge Matsumoto saying that he picked up my case  
12 without even having my consent. After the fact he was like  
13 well, nobody else is going to pick up your case. It's too  
14 far. If you don't let me take over the case I'll drop it and  
15 you'll lose both your cases. They did that --

16          MR. GREENBERG: That is not true. That is not true.

17          MR. SANTIAGO: And he gave me \$15,000 after he  
18 messed up my case and then turned around and say he would give  
19 me a bigger portion of my forced imprisonment and turn around  
20 and try to void the contract by asking the judge for a  
21 separate payout to himself for his legal litigation and pay me  
22 on the side and give me crumbs. This is not going to go this  
23 way. I'm the one that sat in the prison. They didn't. He  
24 just came in here and got on the bandwagon at the last minute  
25 because Gabriel Estedea left me for dead. So where is my

1 justice? Where is everybody that's supposed to be talking up  
2 for me? I'm the one that my -- my rights have been violated.  
3 Where is my help? Where is my assistance? You guys don't  
4 care about nothing that happened to me. Y'all don't even know  
5 the fact that I've been beaten in prison. Do y'all realize  
6 there's records with me being beat by CO's and the -- in  
7 Rikers Island?

8 Nobody knows any of this stuff. Nobody knows  
9 anything of this stuff. They threw my other case out and  
10 everybody walked away. Everybody is happy. And he got the  
11 nerve to come in here and do this. Are you serious? I had  
12 enough. I don't care. You want to -- get him off my case. I  
13 don't want to deal with him any more and I'm not going to sit  
14 here and be suppressed. I'm not scared of anybody and I never  
15 will be. I had enough. If they want to kill me, they want to  
16 shoot me, they want to send more police over here come harass  
17 me, that's fine but I'm not ducking any more. I had enough.

18 There's been no disrespect to you but I'm tired of  
19 being abused and if y'all want to lock me up for saying I'm  
20 tired of being abused, knock yourself out. Get your U.S.  
21 Marshal. I had enough. I can't take any more.

22 THE COURT: I'm granting a motion to withdraw. I'm  
23 going to give you 60 days to find a new attorney. Do you --  
24 until you actually have an attorney that comes in you're going  
25 to have to be listed on the docket technically as pro se.



1 So --

2 MR. SANTIAGO: So they trying to get me to engage  
3 the Court without a proper legal representation? That's a  
4 slippery slope, sir.

5 THE COURT: Well, it's --

6 MR. SANTIAGO: That's a slippery slope, sir, and you  
7 know it is.

8 THE COURT: As a technical matter the Court needs  
9 some way of contacting you in the interim.

10 MR. SANTIAGO: I have a phone number. Use to  
11 contact me? I have a phone number. I got emails. I got  
12 multiple addresses.

13 THE COURT: And that's what I'm getting to. Once  
14 Mr. Greenberg is withdrawn as your attorney neither the Court  
15 nor the other side or anyone can use him as a method of  
16 contacting you. So in order to replace him I need contact  
17 information for you that I can put up on the docket so that,  
18 for example, if there's a court order that needs to be sent to  
19 you I have an address to send it to because I'm not going to  
20 send it to Mr. Greenberg if he's no longer your attorney.

21 MR. SANTIAGO: I have no address for you. I don't  
22 feel safe giving the Court my address. You guys are too  
23 lackadaisy [sic] with your information and my car has been  
24 filled up with bullet holes and a bunch of other things you  
25 guys know nothing about. And the police is doing a lot of

1 stuff.

2           You guys think these guys are out here protecting us  
3 and they out here harming us. They out here harming us. This  
4 stuff was caught on camera and they even erased the project's  
5 cameras. They're letting these cops do everything and I'm  
6 telling you guys. You guys have to pay attention. It's  
7 happening to us. It's everywhere. You guys not seeing it on  
8 TV? Like I mean have you not spoken to anybody experienced?  
9 Walk through some of these prisons. You guys need to see  
10 what's going on. They're just -- they're in there doing us  
11 filthy, Your Honor, and the only thing they care about -- you  
12 know what they say? This is -- this is the reason. You got  
13 in trouble before. You're not worth nothing. You can't come  
14 back into society and actually make yourself into something.  
15 You're just nothing. You can't rebuild yourself, nothing.  
16 You're always a -- you're always a so-called "victim" because  
17 you got in trouble before. So basically you're saying that we  
18 never -- we're never good anymore. We just throw away to  
19 America now? Is that what we're doing? We're throwing people  
20 away? There's never an answer.

21           Are we finished here? I'm going to go.

22           THE COURT: So let me give you a date. I'm going to  
23 put this over for 60 days so you can attempt to find another  
24 attorney. If you do have another attorney that's going to  
25 represent you just have him or her file a notice of appearance

1 on your behalf and let's pick a day to come back.

2 MR. SANTIAGO: What about accountability?

3 THE COURT: I'm sorry.

4 MR. SANTIAGO: Accountability.

5 THE COURT: Accountability for?

6 MR. SANTIAGO: Accountability. For what he done  
7 that I can prove under any -- any court to show what happened.  
8 Where is the accountability? I called the Bar Association.  
9 I'm not going to just let this -- it's not just like oh, we're  
10 going to let this go. Something had to be done to him. He  
11 need to be reprimanded. He needs to be disbarred for some of  
12 the stuff he done. Some of the stuff he's doing has got to be  
13 illegal.

14 THE COURT: Okay.

15 MR. SANTIAGO: Where do I get -- who do I go to to  
16 get some assistance to deal with him?

17 THE COURT: Well, I can't give you legal advice.  
18 All I can tell you is that there are methods for making  
19 complaints --

20 MR. SANTIAGO: Can I ask you a question?

21 THE COURT: -- if you have a complaint for something  
22 that legal counsel has done.

23 MR. SANTIAGO: Ethics inquiry are you referring to?

24 THE COURT: There are grievance committees for  
25 attorneys.

1 MR. SANTIAGO: Ethics committee.

2 THE COURT: Yes, essentially. Same thing. Ethics,  
3 grievance. It depends on the state because sometimes they  
4 have different terms for it. It's essentially the same thing  
5 that you can make a complaint through. You don't technically  
6 need representation for that. You can make the complaint  
7 yourself. I think that's probably --

8 MR. SANTIAGO: How do you sleep at night? Some of  
9 the things they're doing you have no control over it. How  
10 does it feel?

11 THE COURT: I personally sleep fine because I'm not  
12 aware of anything in particular that's been done that --

13 MR. SANTIAGO: I'm telling you it's happening.

14 THE COURT: Okay.

15 MR. SANTIAGO: It's happening in front of you. You  
16 guys are not doing anything about it. Y'all have the powers.  
17 You judges have the power to get them to make them follow the  
18 law. They're actually walking in gray areas and I'm proving  
19 it beyond a reasonable -- I can prove everything that I'm  
20 saying. Don't that disturb you a little bit that an attorney  
21 would do something like that to his own client? Who do I have  
22 to bat me? Who do I have to represent me if my own attorney  
23 is selling me out?

24 MR. GREENBERG: Judge, if I may. I have never sold  
25 out my client. I've never done anything ethical or illegal.

1 MR. SANTIAGO: Please.

2 MR. GREENBERG: I don't need to sit here and allow  
3 him to slander me like this. This is ridiculous. This is  
4 also why I've been asking for the order of protection.  
5 Clearly if he's bringing in "security" my security is really  
6 the one at risk.

7 THE COURT: First of all, you're being terminated as  
8 attorney of counsel in this case. So I have no authority to  
9 give you an order of protection once you're no longer attorney  
10 in this case. I don't have jurisdiction over you in any other  
11 way.

12 All I can do is advise plaintiff that once he's no  
13 longer your attorney there's not any reason for you to be  
14 contacting him but beyond that if you want an order of  
15 protection you have to go to state court and get one. Once  
16 you leave this courtroom you're never going to appear on this  
17 case again. So that limits my jurisdiction over you.

18 MR. GREENBERG: Well, actually, Judge, that gets to  
19 the next issue before the court which is the lien which would  
20 be I guess a reason that I would be before this Court again.

21 MR. SANTIAGO: No, he not getting any money from my  
22 cases. Zero.

23 MR. GREENBERG: Judge, I think the docket and the  
24 work that I've done speaks for itself. I don't how many  
25 motions --

1 MR. SANTIAGO: He's [inaudible] my cases --

2 MR. GREENBERG: Stop. Let me finish. I let you  
3 finish. You got to let me finish.

4 MR. SANTIAGO: He lost my case. Look it up. It's  
5 on the docket. He lost my case. He did nothing for me. I'm  
6 not giving him not one single dollar.

7 THE COURT: First of all --

8 MR. SANTIAGO: Basically I will destroy both my  
9 cases before he gets one red penny. I would throw my case out  
10 before I let you get one single dime off my suffering.

11 MR. GREENBERG: Okay.

12 MR. SANTIAGO: I don't care nothing about it. I get  
13 that money later from you out of your pocket, home boy. I'm  
14 telling you. I get a lawyer. I sue your ass and I get it out  
15 of your pocket.

16 MR. GREENBERG: Good.

17 MR. SANTIAGO: I don't got to run around --

18 MR. GREENBERG: I don't want to have this  
19 conversation any more.

20 MR. SANTIAGO: I don't want to have this  
21 conversation either.

22 MR. GREENBERG: Right, but you keep going.

23 THE COURT: We're done.

24 MR. SANTIAGO: Sucker.

25 MR. GREENBERG: Judge, this is getting beyond

1   absurd. Please, Your Honor. I mean I don't know what we can  
2   do about this now but this is getting really silly.

3               MR. SANTIAGO: It's as silly as you are.

4               THE COURT: At this point you're terminated as  
5   attorney of record in this case. You got time to go find a  
6   new attorney. I'm not dealing with a lien at this point  
7   because there's no reason to. At this point there's nothing  
8   to talk about. If there becomes something later on then we  
9   can talk about it but at this point there's nothing to have a  
10  lien against because there's no recovery yet.

11              MR. GREENBERG: Well, there would still be the  
12  retaining lien for the file.

13              MR. SANTIAGO: You're scraping for the bottom of the  
14  barrel, ain't you?

15              MR. GREENBERG: You have to make a comment  
16  on everything I say to the Court?

17              MR. SANTIAGO: You're that thirsty?

18              MR. GREENBERG: Yes, I am. Thanks.

19              THE COURT: You have a lien out there and then  
20  typically speaking if there's any new attorney that comes in  
21  generally speaking those are kind of negotiated between the  
22  attorneys but to the extent it's not then you can address it  
23  to the Court at the time that it becomes ripe but you have the  
24  retaining lien.

25              MR. SANTIAGO: No, he doesn't.

1           THE COURT: Sixty days would put us to February,  
2 February 20th at noon.

3           MR. SANTIAGO: Do we have a trial date set already?

4           THE COURT: We do not have a trial date. Judge  
5 Matsumoto was going to set a trial date until the motion to  
6 withdraw was filed. So once you get a new attorney that comes  
7 into the case and gets up to speed then we can set a trial  
8 date.

9           MR. SANTIAGO: Yes, sir.

10          THE COURT: I don't want to set anything right now  
11 because I don't know how long it's going to take your new  
12 attorney to get up to speed or how much time he or she is  
13 going to want. So let's get the attorney first and then we  
14 can move forward from that point.

15          So February 20th at noon. If you do have an  
16 attorney by that time have him or her file a notice of  
17 appearance and then they can appear at the conference. If you  
18 do not have a new attorney by that time then you have to come  
19 yourself.

20          MR. SANTIAGO: Pro se.

21          THE COURT: Anything further?

22          MR. GREENBERG: No, Your Honor.

23          THE COURT: Have a good day everyone.

24          MR. SANTIAGO: Have a good day, Your Honor.

25          MR. GREENBERG: Judge, I would imagine you don't



1 mind if I just sit here for another minute or so.

2 THE COURT: Take your time.

3 MR. KEANE: We will request a transcript.

4 MR. SANTIAGO: Send me a copy.

5 THE COURT: You want to request it for me.

6 MR. KEANE: I'll have -- my people will call your  
7 people but --

8 (Proceedings concluded at 12:09 p.m.)

9 \* \* \* \* \*

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 I certify that the foregoing is a court transcript from  
2 an electronic sound recording of the proceedings in the above-  
3 entitled matter.

4  
5 Shari Riemer

6 Shari Riemer, CET-805

7 Dated: December 31, 2019  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25